

# HOUSE BILL No. 1431

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2; IC 12-18-8; IC 34-30-2-45.8.

**Synopsis:** Domestic violence fatality investigations. Allows a county or group of counties to establish a domestic violence fatality review team to investigate a homicide or suicide that may have resulted from domestic violence.

**Effective:** July 1, 2003.

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**Lawson L, Becker, Ulmer**

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January 14, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1431

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-7-2-33.6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]: **Sec. 33.6. "Coalition", for purposes of IC 12-18-8, has the**  
4 **meaning set forth in IC 12-18-8-1.**

5       SECTION 2. IC 12-7-2-69.5 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2003]: **Sec. 69.5. "Domestic violence", for purposes of**  
8 **IC 12-18-8, has the meaning set forth in IC 12-18-8-2.**

9       SECTION 3. IC 12-7-2-82.2 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2003]: **Sec. 82.2. "Family or household member", for purposes**  
12 **of IC 12-18-8, has the meaning set forth in IC 12-18-8-3.**

13       SECTION 4. IC 12-7-2-124.7 IS ADDED TO THE INDIANA  
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2003]: **Sec. 124.7. "Local domestic violence**  
16 **fatality review team", for purposes of IC 12-18-8, has the meaning**  
17 **set forth in IC 12-18-8-4.**



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SECTION 5. IC 12-18-8 IS ADDED TO THE INDIANA CODE AS  
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
1, 2003]:

**Chapter 8. Domestic Violence Fatality Review Team**

**Sec. 1.** As used in this chapter, "coalition" refers to the Indiana coalition against domestic violence.

**Sec. 2. (a)** As used in this chapter, "domestic violence" means conduct against a family or household member that is a crime under the laws of this state or the laws of another jurisdiction involving:

- (1) the use, attempted use, or threatened use of physical force against another person or the property of another person; or
- (2) a substantial risk that physical force will be used against another person or the property of another person.

**(b)** The term does not include an act of self-defense.

**Sec. 3.** As used in this chapter, "family or household member" means the following:

- (1) A spouse or former spouse.
- (2) Persons who are dating or who formerly dated.
- (3) Persons who have or who formerly had a sexual relationship.
- (4) Persons related to each other by blood or adoption.
- (5) Persons who are or were related to each other by marriage.
- (6) Persons who have a child in common.
- (7) The minor child of persons described in subdivisions (1) through (6).

**Sec. 4.** As used in this chapter, "local domestic violence fatality review team" means the county or regional domestic violence fatality review team established under this chapter.

**Sec. 5. (a)** A county may establish a county domestic violence fatality review team for the purpose of reviewing a death resulting from domestic violence.

**(b)** The legislative body (as defined in IC 36-1-2-9) of a county must determine by majority vote if the county will establish a local domestic violence fatality review team.

**(c)** If a county elects not to establish a county domestic violence fatality review team, the county may join with one (1) or more other counties that have not established a county domestic violence fatality review team and form a regional domestic violence fatality review team.

**(d)** To establish a regional domestic violence fatality review



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team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional domestic violence fatality review team.

Sec. 6. (a) A local domestic violence fatality review team shall do the following:

(1) Assist a local agency in identifying and reviewing a homicide or suicide that results from domestic violence.

(2) Develop recommendations for coordinated community prevention and intervention strategies to prevent future homicides or suicides resulting from domestic violence.

(3) Collect data described in section 13 of this chapter related to a death resulting from domestic violence.

(b) A local domestic violence fatality review team may develop a protocol to assist a person who performs an autopsy in:

(1) identifying a victim of domestic violence; and

(2) preparing a written report identifying a person as the victim of domestic violence and describing the cause of death.

(c) A local domestic violence fatality review team shall be operated in conjunction with a:

(1) local domestic violence shelter;

(2) domestic violence program; or

(3) domestic violence coordinated community response team.

Sec. 7. (a) To complete its review of a death that it believes to have resulted from domestic violence, a local domestic violence fatality review team shall have access to all records maintained by any public or private entity that may relate to a death being investigated by the domestic fatality review team, including the following:

(1) Police investigations and reports.

(2) Medical examiner investigations and reports.

(3) Records maintained by a social service agency.

(4) Medical records maintained by a private health care provider.

(b) An entity or individual that provides information described in subsection (a) is immune from civil or criminal liability that might otherwise be imposed as the result of providing this information.

Sec. 8. The recommendations of a domestic violence fatality review team may be disclosed at the discretion of a majority of the members at the conclusion of a review.

Sec. 9. (a) A local domestic violence fatality review team consists of the following members:

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- (1) A survivor of domestic violence.
- (2) A domestic violence direct service provider.
- (3) A representative of law enforcement from the area served by the local domestic violence review team.
- (4) A prosecuting attorney or the prosecuting attorney's designee from the area served by the local domestic violence fatality review team.
- (5) An expert in the field of forensic pathology.
- (6) A medical practitioner with expertise in domestic violence.
- (7) A judge who hears civil or criminal cases.
- (8) An employee of a child protective services agency.
- (9) An attorney who represents victims of domestic violence.
- (10) A provider of a batterers intervention program.

(b) If a local domestic violence fatality review team is established in one (1) county, the legislative body that voted to establish the local domestic violence fatality review team under section 5 of this chapter shall:

- (1) adopt an ordinance for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinance adopted.

(c) If a local domestic violence fatality review team is established in a region, the county legislative bodies that voted to establish the local domestic violence fatality review team under section 5 of this chapter shall:

- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinances adopted.

**Sec. 10.** In accordance with the ordinance adopted under section 9 of this chapter, a local domestic violence fatality review team may have the following additional members:

- (1) A clergy member.
- (2) A representative of county government.
- (3) A representative from a county health department.
- (4) A representative from a local bar association.
- (5) A defense attorney.
- (6) An educator.
- (7) A probation officer.
- (8) A representative from the business community.



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(9) An animal control officer.

Sec. 11. (a) Any member of a local domestic violence fatality review team may serve as chairperson. The chairperson shall be elected by the members of the local domestic violence fatality review team at the first meeting of the local domestic violence fatality review team.

(b) The local domestic violence fatality review team shall meet at the call of the chairperson.

(c) The local domestic violence fatality review team chairperson shall determine the agenda for each meeting.

Sec. 12. Members of a local domestic violence fatality review team and individuals who attend a meeting of a local domestic violence fatality review team as invitees of the chairperson:

(1) may discuss among themselves confidential matters that are before the local domestic violence fatality review team;

(2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the local domestic violence fatality review team; and

(3) except when acting:

(A) with malice;

(B) in bad faith; or

(C) with negligence;

are immune from any civil or criminal liability that might otherwise be imposed as a result of sharing among themselves confidential matters that are before the local domestic violence fatality review team.

Sec. 13. The coalition shall collect and document information surrounding the deaths reviewed by a local domestic violence fatality review team. The coalition shall develop a data collection form that includes the following:

(1) Identifying and nonidentifying information.

(2) Information regarding the circumstances surrounding a death.

(3) Factors contributing to a death.

(4) Findings and recommendations.

Sec. 14. The coalition's annual report shall be made available to the public. The coalition may not charge more than the amount set by IC 5-14-3-8 to offset the cost of copying the annual report.

SECTION 6. IC 34-30-2-45.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 45.8. IC 12-18-8-7 and IC 12-18-8-12 (Concerning an entity or person who provides a

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- 1 **record or report to a local domestic violence fatality review team**
- 2 **or members of a local domestic violence fatality review team and**
- 3 **persons who attend a meeting of a local child fatality review team**
- 4 **as invitees of the chairperson).**

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